

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ROBERT RUSSELL DREW,

Plaintiff,

VS.

**LEXINGTON CONSUMER ADVOCACY,
LLC,**

Defendant.

Case No: C 16-00200 SBA

ORDER ACCEPTING REPORT AND RECOMMENDATION

Plaintiff brings the instant suit against Lexington Consumer Advocacy LLC, among multiple violations of the federal Telephone Consumer Protection Act (“TCPA”), S.C. §§ 227 et seq. His claims are based on Defendant having texted multiple, authorized advertisements to Plaintiff’s cell phone. After the Clerk entered default, Plaintiff filed a motion for default judgment. Magistrate Judge Laurel Beeler, the originally named judge, denied the motion without prejudice. Plaintiff renewed his motion. The Court held a hearing on the renewed motion on August 11, 2016, at which only Plaintiff appeared.

On August 11, 2016, Magistrate Judge Beeler issued a detailed, 22-page report and recommendation in which she recommended granting Plaintiff's renewed motion for default judgment. She further recommended awarding Plaintiff the sum of \$6,000 in TCPA statutory damages and enjoining Defendant from sending further text messages to him. Dkt. 38. The case was thereafter reassigned to the undersigned for consideration of whether to enter a default judgment against Defendant.

Any objections to a report and recommendation must be filed within fourteen days of receipt thereof. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); Civ. L.R. 72-2, 72-3.

1 More than fourteen days has elapsed since the issuance of the report and recommendation,
2 and no objections thereto have been received by the Court.

3 In the absence of a timely objection, the Court “need only satisfy itself that there is
4 no clear error on the face of the record in order to accept the recommendation.” Fed. R.
5 Civ. P. 72, advisory committee notes (1983) (citing Campbell v. U.S. Dist. Court, 501 F.2d
6 196, 206 (9th Cir. 1974)); see also United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th
7 Cir. 2003) (en banc) (“The statute [28 U.S.C. § 636(b)(1)(C)] makes it clear that the district
8 judge must review the magistrate judge’s findings and recommendations de novo *if [an]*
9 *objection is made*, but not otherwise.”). The Court has reviewed the record on its face and
10 finds no clear error. Accordingly,

11 IT IS HEREBY ORDERED THAT the magistrate judge’s report and
12 recommendation (Docket 38) is ACCEPTED and shall become the Order of this Court.
13 Judgment in favor of Plaintiff shall be entered accordingly. The Clerk shall close the file.

14 IT IS SO ORDERED.

15 Dated: 9/2/16


SAUNDRA BROWN ARMSTRONG
Senior United States District Judge

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